

## **FISCAL NOTE**

### **HB 1208 - SB 1183**

March 4, 2004

#### **SUMMARY OF BILL:**

- Directs the Tennessee Regulator Authority to establish, by July 1, 2004, a state database listing e-mail addresses for subscribers who object to unsolicited e-mail. Provides the information in such database would only be used for compliance with this bill and would not be considered a public record.
- Establishes a civil penalty up to a maximum of \$5,000 for each known violation and additional relief in a court of competent jurisdiction. Allows the Tennessee Regulatory Authority to investigate demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation. Requires proceedings to be brought within one year after the violation was known or should have been known or within one year after termination of a proceeding arising out of the same violation.
- Requires a person sending unsolicited e-mail to clearly identify such person at the beginning of such e-mail, if the e-mail encourages the purchase or rental of, or investment in, property, goods or services.
- Provides no telecommunications utility or internet service provider that carries an unsolicited e-mail message over its network shall be liable for violations of this part when another person or entity initiates the transmission of that message.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$363,100 Recurring  
\$12,000 One-Time**

**Increase State Revenues - \$30,000 Recurring**

Estimate assumes:

- the need for seven positions and related expenses for the Tennessee Regulatory Authority to implement the provisions of the bill;
- a one-time cost for equipment;
- an increase in revenue from fines collected annually.

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



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James W. White, Executive Director